

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 2262/94

New Delhi this the 2nd day of August, 1999.

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Shri S.P. Biswas, Member (A)

In the matter of

Shri Rajendra Kumar
K-151, Kali Bari Marg,
Clive Square, New Delhi.
(None for the applicant)

... Applicant

Versus

1. Union of India,
through its Secretary,
Ministry of Urban Development,
Nirman Bhawan, New Delhi.

2. The Director of Estates,
Ministry of Urban Development,
Nirman Bhawan, New Delhi.

3. The Executive Engineer,
N. Zone, C.P.W.D. I.P. Estate,
New Delhi.

... Respondents

(None for the respondents)

O R D E R (ORAL)

(Hon'ble Shri S.P. Biswas, Member (A))

The applicant, son of late Smt. Chanderwati, Beldar under respondent No. 3 is before us seeking a relief in terms of issuance of direction to the respondents (1) to appoint him on compassionate ground and (2) quash the eviction order (A 1) in respect of quarter No. K-151, Kali Bari Marg, Clive Square, New Delhi.

2. The background facts of the case are as under:

(i) The aforesaid quarter was originally allotted in the name of Smt. Chanderwati when she was working as Beldar in the office of the Executive Engineer (N. Zone), C.P.W.D. New Delhi.

(ii) She was compulsorily retired from service w.e.f. 20.10.93. The allotment was, therefore, cancelled in her name w.e.f. 20.2.94 after allowing 4 months concessional period of retention admissible under the rules. Meanwhile Smt. Chanderwati died on 16.12.1993.

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(iii) Applicant's mother was afflicted by a debilitating physical ailment which rendered her unable to move or undertake and physical activity. On this account she wrote to the respondents in September, 1993 explaining her inabilities to attend office works and also requested the respondents that the aforesaid quarter may be allotted in the name of her son. This was on the presumption that the respondents would consider favourably her request for compassionate appointment in favour of her son. She (mother of the applicant) accordingly approached the respondents ^{through representations as at} A-2 and A-3 for compassionate appointment.

^ *Amr*
(iv) She also wrote to respondent No.2 to allow her to retain the aforesaid quarters till the son get appointment and also sought for subsequent regularisation of allotment in her son's name. It is seen that the applicant has not been given compassionate appointment by the respondents till the date of filing of this OA and thus the period authorised for retention of his quarter expired.

3. The respondents issued letter of eviction(Ann.A.1) because of unauthorised retention. The Tribunal by its order dated 16.11.94 issued a direction that the eviction shall be stayed. This direction was repeated from time to time.

4. The issue that falls for determination in this case is the legality or otherwise of the applicant's claim for regularisation/allotment of the Govt. quarter No.K-151, Kali Bari Marg, New Delhi in his name in a situation when the appointment on compassionate ground has not taken place.


5. We find that even as per applicant's own admission, the proposal of the aforesaid appointment of the applicant herein was under consideration till April, 1995 whereas the allotment stands cancelled on 20.2.94. As per rules of retention of Govt. quarters and in such circumstances, a legal heirs can be allowed

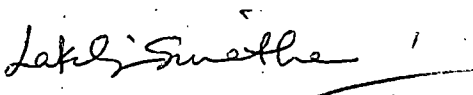
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to retain the house for a period of one year after the demise of the allottee and it is within this period that an allottee should get the formalities of compassionate appointment completed before seeking regularisation. This was pursuant to decisions of the Hon'ble Supreme Court in the case of Shiv Sagar Tiwari Vs. UOI & Ors (1997(1)SCC 444. We find that the compassionate appointment on the basis of which the applicant intends to have the quarter regularised in his name is nowhere in sight till July, 95. In the circumstances, the plea for regularisation cannot be sustained in the eyes of law. The OA fails on merits and is accordingly dismissed. The eviction process shall proceed in terms of the law on the subject and the judicial pronouncement of the Apex Court in Shiv Sagar Tiwari's case(supra)

O.A. is disposed of as above.


(S.D. Biswas)
Member (A)


(Smt. Lakshmi Swaminathan)
Member (J)

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